HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.6773 of 2006
Date of decision : 18.12.2006.

Santosh Kumar Bhatia .....Petitioner

versus

Smt.Kanta Mehra and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Arun Palli, Advocate for the petitioner.

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ORDER

HEMANT GUPTA, J. (Oral)

The plaintiff is in revision petition aggrieved against the orders passed by the Courts below, whereby his application for grant of ad-interim injunction under Order 39, Rules 1 & 2, was dismissed.

The plaintiff has alleged that he is in possession of House No.222, Prem Nagar, Ambala City as tenant since the year 2000, at the monthly rent of Rs.400/- under Smt.Sushila Bhatia, her Bhabhi. The plaintiff, in order to prove his possession, is relying upon the Voter Identity Card issued by the Election Commission on 30.8.1994. It has been found that this Identity Card is of no assistance to the petitioner as he has alleged his tenancy since the the year 2000 alone.

Learned counsel for the petitioner has vehemently argued that House No.222 i.e. the house in dispute and the No.223 have a common boundary and are adjacent to each other. House No.223 is owned by the son of the petitioner and, therefore, the petitioner is in actual possession of the property and thus, he cannot be dispossessed forcibly.

The admitted fact is that Smt.Sushila Bhatia, wife of brother of the plaintiff is the owner of the House No.222, Prem Nagar, Ambala City i.e. the premises in dispute. In view of the said fact, even if the petitioner is in possession of the said house, his possession can only be said to be as a licencee and as a licencee, the petitioner cannot seek injunction against the owner who is deemed to be in legal possession of the premises.

In view of the above, I do not find any illegality or irregularity in the orders passed by the learned Court below, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

December 18, 2006
**mohinder*